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June 3, 1959

MEMORANDUM FOR MR. MERCHANT

FROM : Loftus Becker *LB*

SUBJECT: Mr. Hillenbrand's memorandum re Western rights
and Western objectives in Berlin.

If I understand Mr. Hillenbrand's memorandum correctly, he is advocating an agreement with the Soviets covering our presence in Berlin and our access thereto which is silent with respect to our rights. For the reasons which were stated in part in my memorandum dealing with alternatives to a reaffirmation of our rights, I strongly disagree with Mr. Hillenbrand's position. Our "arrangements" with respect to our presence in Berlin and our access thereto are not as broad as the "rights" which we secured as a result of the unconditional surrender of Germany. Such arrangements constituted voluntary limitations upon our basic right to Four Power occupation of Germany on a basis of complete equality. It is essential, in my view, that we be in a position to reassert such rights, in the event the Soviets attempt to repudiate their various agreements by, for example, entering into a separate peace treaty with the GDR. In my view, Mr. Hillenbrand's recommendation amounts to acquiescence in Gromyko's stated position that we should accept new guarantees by the Soviet Union in place of our existing rights. I think that acceptance of that recommendation would be regarded as a major retreat from our stated minimum position, both by the Soviets and by the world in general.

Copies to: Mr. Reinhardt
Ambassador Thompson
Mr. Irwin
Mr. Hillenbrand
Mr. Kearney
S/S

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LBecker:imf

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